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5 Attorneys for all Plaintiffs  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 YS PARK PROFESSIONAL, INC. a  
11 Japanese Corporation, PARK WAY  
CO., LTD, a Japanese Corporation  
12 and PASSION BEAUTY, INC. a  
California Corporation.

13 Plaintiffs.  
14

15 v.

16 SACO STORE, a Canadian  
Corporation. JSIU BEAUTY CO.  
LTD, a Chinese Entity,  
17 GUANGZHOU DINSHINE HAIR  
PRODUCTS CO., LTD a Chinese  
18 Entity, HELENERE, an entity of  
unknown state, ISMART,HAIR, an  
19 entity of unknown state, EAGLE  
FORTRESS, an entity of unknown  
20 state, CANWAY CO. LTD, an entity  
of unknown state and DOES 1-25  
21

22 Defendants.  
23  
24  
25  
26  
27

) Civil Action No.

) **COMPLAINT FOR:**

- ) **1. TRADEMARK**  
) **COUNTERFEITING AND**  
) **INFRINGEMENT,**  
) **2. TRADEMARK INFRINGEMENT**  
) **AND UNFAIR COMPETITION**  
) **3. FALSE DESIGNATION OF**  
) **ORIGIN AND FALSE**  
) **REPRESENTATION**  
) **4. COMMON LAW TRADEMARK**  
) **INFRINGEMENT AND UNFAIR**  
) **COMPETITION**  
) **5. UNFAIR COMPETITION**

) **DEMAND FOR JURY TRIAL**

1 **I. JURISDICTION AND VENUE**

2 1. This Court has original subject matter jurisdiction over the claims  
3 that relate to trademark infringement; false designation of origin; trade dress  
4 infringement; and federal unfair competition; pursuant to sections 34(a) and  
5 39(a) of the Lanham Act and 15 U.S.C. §§1116(a) and 1121(a); as these claims  
6 arise under the laws of the United States. The Court has supplemental  
7 jurisdiction over the claims in this Complaint which arise under state statutory  
8 and common law pursuant to 28 U.S.C. § 1367(a) because the state law claims  
9 are so related to the federal claims that they form part of the same case or  
10 controversy and derive from a common nucleus of operative facts.

11  
12 2. This Court has personal jurisdiction over the Defendants because  
13 each of them has a continuous, systematic, and substantial presence within the  
14 Central District of California of each of them except for Defendant SACO  
15 STORE has offered for sale infringing products at the Cosmoprof North  
16 America Trade Show in Las Vegas, Nevada. For example, by selling and  
17 offering for sale infringing products in Southern California and Las Vegas,  
18 Nevada, and by committing acts trade dress and/or trademark infringement in  
19 this judicial district, including but not limited to selling infringing products  
20 directly to consumers and/or retailers in this district and selling into the stream  
21 of commerce knowing such products would be sold in Southern California and  
22 in Las Vegas, Nevada, Defendant's acts form a substantial part of the events or  
23 omissions giving rise to Plaintiffs claims.

24  
25 3. Venue is proper in this Judicial District pursuant to 28 U.S.C.  
26 § 1391(b) and (c).  
27

## II. THE PARTIES

4. Plaintiff YS Park, Inc. ("YS Park") is a Japanese corporation organized and existing under the law of Japan, having its principal place of business in 3-9-2 Kami Osaki, Shinagawa-ku, Tokyo 171-0021, Japan.

5. Plaintiff Park Way CO., LTD ("PARK WAY") is corporation organized and existing under the law of Japan, having its principal place of business in 152-00343-9-2 Kami Osaki, Shinagawa-ku, Tokyo 141-0021, Japan.

6. Plaintiff Passion Beauty, Inc. ("PASSION") is a corporation organized and existing under the laws of California, having its principal place of business at 11953 Prairie Avenue, Hawthorne, CA 90250.

7. Plaintiff YS Park, PARK WAY CO., LTD and Passion Beauty Inc. may be referred to throughout this Complaint as "Plaintiff" or "Plaintiffs".

8. Plaintiffs are informed and believe, and on that basis allege, that Defendant SACO STORE ("SACO") a Canadian Corporation, is an organization doing business in this judicial district.

9. Plaintiffs are informed and believe, and on that basis allege, that Defendant JSIU BEAUTY CO, LTD ("JSIU") a Chinese Entity, is an organization doing business in this judicial district.

10. Plaintiffs are informed and believe, and on that basis allege, that Defendant GUANGZHOU DINSHINE HAIR PRODUCTS CO., LTD

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1 ("DINSHINE") a Chinese Entity, is an organization doing business in this  
2 judicial district.

3  
4 11. Plaintiffs are informed and believe, and on that basis allege, that  
5 Defendant HELENE, an entity of unknown state ("HELENE"), is an  
6 organization doing business in this judicial district.

7  
8 12. Plaintiffs are informed and believe, and on that basis allege, that  
9 Defendant ISMART, an entity of unknown state ("ISMART"), is an  
10 organization doing business in this judicial district.

11  
12 13. Plaintiffs are informed and believe, and on that basis allege, that  
13 Defendant EAGLE FORTRESS, an entity of unknown state ("EAGLE  
14 FORTRESS"), is an organization doing business in this judicial district.

15  
16 14. Plaintiffs are informed and believe, and on that basis allege, that  
17 Defendant CANWAY CO. LTD, an entity of unknown state ("CANWAY"), is  
18 an organization doing business in this judicial district.

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20  
21 15. DOES 1 through 25 are persons and entities whose names and  
22 involvement are presently unknown to Plaintiffs. Accordingly, they are sued by  
23 the fictitious name DOES 1 through 25. When the identity and involvement of  
24 any DOE has been discovered, Plaintiffs will amend their complaint to allege  
25 the name and identity of that fictitiously named party.

1           **III.   COMMON ALLEGATIONS FOR ALL CLAIMS OF RELIEF**

2

3           16.   Young Soo Park ("Park") designed high quality combs used by

4 professional hair stylists. They are designed to be made of a special plastic and

5 have specially built teeth that act to detangle hair. Since 1996, Park's company

6 Y S Park, Inc. ("YS Park") manufactures the combs and has created in these

7 high quality combs a unique design. Each comb has a design in it that consists

8 of consists of a three-dimensional configuration of design features of a hair

9 comb. These features consist of the shape and location of the holes in the shaft

10 of a comb and the size and placement of one of its teeth. The elongated

11 countersunk holes pass completely through the shaft of the comb and are located

12 at regularly spaced intervals along the length of the shaft. The outermost tooth

13 of the comb on one end is shorter than all the others. The design functions as a

14 trademark. Starting in 1996, YS Park began selling these high quality combs

15 with the design trademark ("the Design") in the USA. Attached as **Exhibit 1** is a

16 true and correct of an image of a YS Park comb bearing the Design.

17

18           17.   In 2016, a federal registration was issued for the Design,

19 Registration No. 4,991,180 issued on 7/5/2016. Attached hereto and

20 incorporated by reference is a true and correct copy of the Trademark

21 Registration as **Exhibit 2**.

22

23           18.   In this document, the word "Infringing Product" or "Infringement"

24 includes any counterfeit product and refers to a comb bearing a counterfeit of a

25 registered or unregistered trademark or trade dress owned by Plaintiffs. Combs

26 containing the design registered in the United States Trademark Office, the

1 unregistered designs of Plaintiffs and the Trade Dress of Plaintiffs are defined as  
2 (“Combs”) throughout this Complaint.

3  
4 19. The Trademark and the goodwill in the Design trademark was  
5 assigned in 2016 to PARK WAY. Attached hereto as **Exhibit 3** and  
6 incorporated by reference is a true and correct copy of current Trademark  
7 Registration. All Combs made by YS Park have the Design. All Combs sold in  
8 the USA have the Design. YS Park Combs have a distinctive Trade Dress that  
9 incorporate the YS Park Design and a variety of other features. Passion buys the  
10 Combs and sells them to others in the United States.

11  
12 20. YS Park also manufactures a wide variety of hair clips. These  
13 products which include and clips that infringe Plaintiffs’ registered and  
14 unregistered Trademarks and Trade Dress defined throughout this Complaint are  
15 referred to as “Infringing Products”. Plaintiffs’ clips are designed to be finger-  
16 length long and contoured to the shape of wearer’s head and have holes along  
17 the base of the clip and in a circular pattern on the finger grip. The Clip  
18 Trademark is not yet registered. The Clip Trade Dress is the appearance of a  
19 hair Clip with the Clip Trademark and the hair Clip’s dimensions.

20  
21 21. Since 2015, persons and entities have been offering for sale and  
22 selling in the United States low quality combs not made by nor authorized by  
23 Park Way or YS Park, but bearing the Registered Trademark. All Defendants  
24 except SACO STORES, have offered for sale infringing products at the  
25 Cosmoprof North America Trade Show in Las Vegas, Nevada. The persons and  
26 entities include the following parties:

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1           22.    SACO STORE - Advertised online and sold Infringing Products.  
2   SACO is selling infringing combs into Los Angeles, California. Attached hereto  
3   and incorporated by reference is a true and correct copy of the online Purchase  
4   Order as **Exhibit 4**.

5  
6  
7           23.    JSIU BEAUTY CO., LTD ("JSIU") sold Infringing Products at the  
8   2016 at Cosmoprof North America Trade Show and elsewhere. Attached hereto  
9   and incorporated by reference is a true and correct copy of the Catalogue page  
10   from the company selling Infringing Products as **Exhibit 5**. JSIU is advertising  
11   these Infringing Products in Southern California and elsewhere on their website  
12   at <http://www.hair-brushes.com/>. A true and correct copy of a screenshot of the  
13   JSUI website is attached hereto as **Exhibit 6**.

14  
15           24.    GUANGZHOU DINSHINE HAIR PRODUCTS CO., LTD  
16   ("DINSHINE") - sold counterfeit combs in 2016 at Cosmoprof North America  
17   Trade Show. Attached hereto and incorporated by reference is a true and correct  
18   copy of the Catalogue page from the company selling Infringing Products  
19   including combs and clips as **Exhibit 7**.

20  
21           25.    HELENERE offered for sale and sold counterfeit combs at the  
22   2017 Cosmoprof North America Trade Show. HELENERE has a website  
23   available in Los Angeles, California, that advertises products to customers and  
24   potential customers in Los Angeles, California and has a shop online provision  
25   on the website.

1           26. ISMART HAIR offered for sale Infringing Products at the 2017  
2 Cosmoprof North America Trade Show. ISMART HAIR advertised online and  
3 sold Infringing Products on their website that is available in Los Angeles,  
4 California. On that website there is a pull down menu for shopping which  
5 offers products for sale in Los Angeles, California.

6  
7           27. EAGLE FORTRESS offered for sale and sold counterfeit combs at  
8 the 2017 Cosmoprof North America Trade Show. EAGLE FORTRESS has a  
9 website available in Los Angeles, California, that advertises products to  
10 customers and potential customers in Los Angeles, California and has a shop  
11 online provision on the website

12  
13           28. CANWAY CO LTD (“CANWAY”) offered for sale and sold  
14 counterfeit combs at the 2017 Cosmoprof North America Trade Show  
15 CANWAY has sold Infringing Products to potential customers in Los Angeles,  
16 California.

17  
18           29. Plaintiffs are informed and believe that a number of other entities  
19 will be displaying and selling Infringing Products at the 2017 Cosmoprof North  
20 America Trade Show and elsewhere.



**FIRST CLAIM FOR RELIEF**  
**BY ALL PLAINTIFFS**  
**FOR TRADEMARK COUNTERFEITING AND INFRINGEMENT**  
**UNDER 15 U.S.C. §§1114, 1116 &1117**  
**AGAINST ALL DEFENDANTS**

30. Plaintiffs incorporate and reallege paragraphs 1 through 29 of this Complaint.

31. The use of one or more copies of the Plaintiffs Registered Trademark on the Infringing Products, which Defendants developed, distributed, offered for sale and sold, tends to and is likely to confuse and deceive consumers into believing that the Infringing Products are genuine. In fact, the Infringements supplied by Defendants are not genuine. These Infringing Products are made using inferior designs and inferior materials.

32. The YS Park Clips have a superior design and are made of superior materials. They are contoured to the shape of the head allowing easier use and are made of superior metallic alloy. The Infringing Products are not genuine YS Park Clips, are not made of superior alloy and are not made in the superior shape of the genuine products of Plaintiffs.

33. The acts of the Defendants have been committed without the consent of Plaintiffs. The acts of the Defendants are likely to cause confusion and mistake in the minds of the purchasing public, and, in particular, tend to and do falsely create the impression that the Infringing Products sold by Defendants

1 are manufactured, distributed, warranted, authorized, sponsored, or approved by  
2 Plaintiffs when, in fact, they are not.

3  
4 34. Plaintiffs have suffered damages in the form of increased costs and  
5 reduced revenue in the amount of at least \$25,000. Plaintiffs have no  
6 information concerning the amount of the Infringing Products Defendants have  
7 offered for sale and sold and, therefore cannot state its actual damages and  
8 therefore believe the statutory damages of at least \$100,000 are appropriate.

9  
10 35. As a proximate result of their wrongful conduct, Defendants have  
11 been unjustly enriched. Plaintiffs demand and are entitled to an accounting  
12 from the Defendants, including all information necessary to permit Plaintiffs to  
13 determine the gains, profits and advantages that Defendants have obtained by  
14 reason of their wrongful conduct described herein.

15  
16 36. Plaintiffs have no adequate remedy at law. Monetary  
17 compensation will not afford Plaintiffs adequate relief. The acts and omissions  
18 of Defendants as alleged herein will engender the need for a multiplicity of  
19 judicial proceedings and will cause damages to Plaintiffs that are difficult, if not  
20 impossible, to measure. Unless Defendants are preliminarily and permanently  
21 enjoined from committing the unlawful acts alleged, including infringement of  
22 the Plaintiffs' Trademarks, Plaintiffs will continue to suffer irreparable harm.  
23 Injunctive relief is therefore appropriate pursuant to 15 U.S.C. § 1116 to prevent  
24 Defendants from engaging in any further violations of 15 U.S.C. § 1114.

25  
26 37. Upon information and belief, the activities of Defendants  
27 complained of herein constitute willful and intentional counterfeiting and  
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1 infringement of the YS Park and Park Way Trademarks and Trade Dress in  
2 violation of the Lanham Act, including, but not limited to, 15 U.S.C. § 1114.  
3 The willfulness of the counterfeiting and infringement by the Defendants is  
4 evidenced by the similar appearance of the infringements and counterfeits to  
5 Plaintiffs' genuine products. The Defendant's activities are in total disregard of  
6 the rights of Plaintiffs. As a result, Plaintiffs are further entitled to damages and  
7 remedies, including statutory damages as provided by 15 U.S.C. §§ 1116 and  
8 1117. Plaintiffs are entitled to recover statutory damages of \$2,000,000 for each  
9 of the Counterfeit Marks.

10  
11 38. On information and belief, Defendants, in engaging in the conduct  
12 described herein, knowingly, intentionally and willfully intended to trade on the  
13 reputation and goodwill of Plaintiffs and to cause injury to Plaintiffs. As such,  
14 this is an exceptional case within the meaning of 15 U.S.C. § 1117(a) and  
15 damages should be trebled and attorneys' fees awarded.

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19 **SECOND CLAIM FOR RELIEF**  
20 **BY ALL PLAINTIFFS**  
21 **FOR TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**  
22 **UNDER 15 U.S.C. §1125**  
23 **AGAINST ALL DEFENDANTS EXCEPT**

24 39. Plaintiffs incorporate and reallege paragraphs 1 through 38 of this  
25 Complaint.

1           40. The Plaintiffs' Trade Dress and Unregistered Trademarks have  
2 acquired secondary meaning and are uniquely associated with Plaintiffs in the  
3 minds of consumers.

4  
5           41. Defendants' use of trade dress elements identical to those used in  
6 the Plaintiffs' Products for their Infringing Products infringes Plaintiffs  
7 Trademarks and Trade Dress by confusing and deceiving consumers as to the  
8 source or sponsorship of the Infringing Products. Defendant's conduct  
9 constitutes unfair competition in violation of 15 U.S.C. § 1125(a).

10  
11           42. Defendants' acts have caused and will continue to cause Plaintiffs  
12 to suffer injury to their business, goodwill and property.

13  
14           43. Plaintiffs have suffered damages in the form of increased costs and  
15 reduced revenue in an amount whose total is still unknown but is not less than  
16 \$25,000. Plaintiffs have no information concerning the amount of the Infringing  
17 Products Defendants have offered for sale and sold and, therefore cannot state  
18 its actual damages and therefore believe the statutory damages of at least  
19 \$100,000 are appropriate.

20  
21           44. As a proximate result of their wrongful conduct, Defendants have  
22 been unjustly enriched. Plaintiffs demand and are entitled to an accounting  
23 from the Defendants, including all information necessary to permit Plaintiffs to  
24 determine the gains, profits and advantages that Defendants have obtained by  
25 reason of their wrongful conduct described herein.

1           45. Plaintiffs have no adequate remedy at law. Defendants' acts and  
2 omissions as alleged herein will engender the need for a multiplicity of judicial  
3 proceedings and will cause damages to Plaintiffs that are difficult, if not  
4 impossible, to measure. Unless Defendants are preliminarily and permanently  
5 enjoined from committing the unlawful acts alleged including infringement of  
6 the Plaintiffs registered and unregistered Trademarks and Trade Dress, Plaintiffs  
7 will continue to suffer irreparable harm.

8  
9           46. On information and belief, Defendants, in engaging in the conduct  
10 described herein, knowingly, intentionally and willfully intended to trade on the  
11 reputation and goodwill of Plaintiffs and to cause injury to Plaintiffs. As such,  
12 this is an exceptional case within the meaning of 15 U.S.C. § 1117(a) and  
13 damages should be trebled and attorneys' fees awarded.

14  
15                                   **THIRD CLAIM FOR RELIEF**  
16                                   **BY ALL PLAINTIFFS**  
17           **FALSE DESIGNATION OF ORIGIN AND FALSE REPRESENTATION**  
18                                   **(15 U.S.C. § 1125(a))**  
19                                   **AGAINST ALL DEFENDANTS**

20  
21           47. Plaintiffs incorporate and reallege paragraphs 1 through 46 of this  
22 Complaint.

23  
24           48. As alleged herein, Defendants' conduct constitutes a false  
25 designation of origin and a false representation that the Infringing Products are  
26 sponsored by, associated with or produced by Plaintiffs.

1           49. Plaintiffs have suffered damages in the form of increased costs and  
2 reduced revenue as alleged above and that they will continue to increase as  
3 alleged above in a sum of at least \$25,000.

4  
5           50. As a proximate result of their wrongful conduct, Defendants have  
6 been unjustly enriched as alleged above. Plaintiffs demand and are entitled to  
7 an accounting from the Defendants, including all information necessary to  
8 permit Plaintiffs to determine the gains, profits and advantages that Defendants  
9 have obtained by reason of their wrongful conduct described herein.

10  
11           51. Plaintiffs have no adequate remedy at law. Monetary  
12 compensation will not afford Plaintiffs adequate relief. The acts and omissions  
13 of Defendants as alleged herein will engender the need for a multiplicity of  
14 judicial proceedings and will cause damages to Plaintiff that are difficult, if not  
15 impossible, to measure. Unless Defendants are preliminarily and permanently  
16 enjoined from committing the unlawful acts alleged, including the false  
17 designation of origin and false representations, Plaintiffs will continue to suffer  
18 irreparable harm. Injunctive relief is therefore appropriate pursuant to 15 U.S.C.  
19 § 1116 to prevent Defendants from engaging in any further violations of 15  
20 U.S.C. § 1125(a).

21  
22           52. Upon information and belief, the activities of the Defendants  
23 complained of herein constitute willful and intentional infringement of  
24 Plaintiffs' Trademarks in violation of the Lanham Act, including, but not  
25 limited to, 15 U.S.C. § 1125(a). The willfulness of the Defendant's conduct is  
26 evidenced by the similar appearance of Counterfeit Products and the false  
27 designations of origin and false representations. The activities of the Defendants

1 are in total disregard of the rights of Plaintiffs. As a result, Plaintiffs is further  
2 entitled to damages as provided by 15 U.S.C. §§ 1116 and 1117.

3  
4 53. On information and belief, Defendants, in engaging in the conduct  
5 described herein, knowingly, intentionally and willfully intended to trade on the  
6 reputation and goodwill of Plaintiffs and to cause injury to Plaintiffs. As such,  
7 this is an exceptional case within the meaning of 15 U.S.C. § 1117(a) and  
8 damages should be trebled and attorneys' fees awarded.

9  
10 **FOURTH CLAIM FOR RELIEF**  
11 **BY ALL PLAINTIFFS**  
12 **FOR COMMON LAW TRADEMARK INFRINGEMENT AND**  
13 **UNFAIR COMPETITION**  
14 **AGAINST DEFENDANTS**

15  
16 54. Plaintiffs allege and incorporate by reference each and every  
17 allegation contained in Paragraphs 1 through 53, as if fully set forth herein.

18  
19 55. Defendants use unfair trade practices to develop, manufacture and  
20 sell Infringing Products in competition with Plaintiffs.

21  
22 56. This common law unfair competition includes, but is not limited to,  
23 the following separate activities:

- 24  
25 a. the development of Infringing Products;  
26  
27 b. the marketing and advertising of Infringing Products;

- c. the transportation and delivery of Infringing Products;
- d. the distribution and sale of Infringing Products; and
- e. other such acts of unfair competition.

57. As a proximate result of their wrongful conduct, Defendants have been unjustly enriched. Plaintiffs demand, and are entitled to an accounting from the Defendant, including all information necessary to permit Plaintiffs to determine the gains, profits and advantages that Defendants have obtained by reason of their wrongful conduct described herein.

58. Plaintiffs have suffered damages in the form of increased costs and reduced revenue as alleged above in the sum of at least \$25,000 and that they will continue to increase as alleged above.

59. Upon information and belief, the activities of the Defendants complained of herein constitute willful and intentional infringement of Plaintiffs' Trademarks in violation of the Lanham Act, including, but not limited to, 15 U.S.C. § 1125(a). The willfulness of the Defendant's conduct is evidenced by the similar appearance of Counterfeit Products and the false designations of origin and false representations. The activities of the Defendants are in total disregard of the rights of Plaintiffs. As a result, Plaintiffs is further entitled to damages as provided by 15 U.S.C. §§ 1116 and 1117.

60. On information and belief, Defendants, in engaging in the conduct described herein, knowingly, intentionally and willfully intended to trade on the reputation and goodwill of Plaintiffs and to cause injury to Plaintiffs. As such,



1 this is an exceptional case within the meaning of 15 U.S.C. § 1117(a) and  
2 damages should be trebled and attorneys' fees awarded.

3  
4 61. As a proximate result of their wrongful conduct, Defendants have  
5 been unjustly enriched as alleged above. Plaintiffs demand and are entitled to  
6 an accounting from the Defendants, including all information necessary to  
7 permit Plaintiffs to determine the gains, profits and advantages that Defendants  
8 have obtained by reason of their wrongful conduct described herein.

9  
10 62. As a proximate result of their wrongful conduct, Defendants have  
11 been unjustly enriched as alleged above. Plaintiffs demand and are entitled to  
12 an accounting from the Defendants, including all information necessary to  
13 permit Plaintiffs to determine the gains, profits and advantages that Defendants  
14 have obtained by reason of their wrongful conduct described herein.

15  
16 63. Plaintiffs have no adequate remedy at law. monetary compensation  
17 will not afford Plaintiffs adequate relief. The acts and omissions of the  
18 Defendants as alleged herein will engender the need for a multiplicity of judicial  
19 proceedings and will cause damages to Plaintiffs that are difficult, if not  
20 impossible, to measure. Unless Defendants are preliminarily and permanently  
21 enjoined from committing the unlawful acts alleged, Plaintiffs will continue to  
22 suffer irreparable harm. Injunctive relief is therefore appropriate to prevent  
23 Defendants from engaging in any further acts of unfair competition.

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**PRAYER**

**WHEREFORE**, Plaintiffs prays for judgment against all Defendants as follows below. As used in the prayer, the term “Infringement” or “Infringing” includes both counterfeits and infringing products.

1. For preliminary and permanent injunctive relief against Defendants, and their officers, agents, attorneys, representatives and assigns, and all persons acting in active concert or participation with them, from doing any of the following acts, either directly or indirectly, and from doing any act prefatory to the prohibited acts:

- a. Developing, manufacturing, marketing, advertising, acquiring, transporting, distributing, developing, offering to sell or selling any Counterfeit Product bearing any counterfeit of Plaintiffs’ Trademark or any counterfeit or infringement of any of Plaintiffs’ unregistered Trademarks or Trade Dress;
- b. Using any of Plaintiffs’ Trademark or any of Plaintiffs’ unregistered Trademarks or any of Plaintiffs’ Trade Dress in connection with their business;
- c. Otherwise infringing any of Plaintiffs’ registered or unregistered Trademarks or any of Plaintiffs’ Trade Dress;
- d. Causing likelihood of confusion, deception, or mistake as to the source, nature, or quality of the goods of Defendant;

- e. Using any false designation of origin or false representation concerning any Plaintiffs' or Defendants' products;
- f. Misrepresenting to anyone that they are authorized manufacturers or distributors of any Plaintiff;
- g. Misrepresenting to anyone that they carry, distribute or sell genuine Products of Plaintiffs or that they obtain their products directly from Plaintiffs' ,
- h. Any acts of unfair competition or unfair practice involving or affecting any of Plaintiffs' registered or unregistered Trademarks or any of Plaintiffs' Trade Dress or any of Plaintiffs' Products; and
- i. Soliciting, assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs "a" through "h".

2. For an order directing Defendants to file with this Court and serve on Plaintiffs within 30 days after service of an injunction, a report in writing under oath, setting forth in detail the manner and form in which Defendant have complied with the injunction;

3. For an order requiring Defendants to deliver to Plaintiffs:

1 a. All products, literature, and other material bearing any  
2 counterfeits of any of Plaintiffs' registered or unregistered  
3 Trademarks or of any of Plaintiffs' Trade Dress or any other  
4 infringement of Plaintiff's intellectual property or which falsely  
5 identifies the source of any products; and

6  
7 b. Printing devices, packing, advertising or any other items used in  
8 the manufacture, publicity, advertising or sale of products  
9 bearing any counterfeits or infringements of any of Plaintiffs'  
10 registered or unregistered Trademarks or any of Plaintiffs'  
11 Trade Dress.

12  
13 4. For an order requiring Defendants to account for all sales and  
14 transfers of any of the Infringing Products, including an order that they submit  
15 to Plaintiffs immediately all records of all purchases, sales, and other materials  
16 pertaining to the acquisition and distribution of the Counterfeit Products;

17  
18 5. For an accounting from each Defendants of all profits, monies and  
19 advantages that Defendant has obtained by reason of their wrongful conduct;

20  
21 6. For a seizure of all Infringing Products;

22  
23 7. For expedited discovery on the subject of the suppliers to and  
24 purchasers from Defendants of Infringing Products in order that Plaintiffs can  
25 quickly locate the source and locations of these illegal products;

1           8.     For damages and remedies of at least \$200,000 as provided by 15  
2 U.S.C. §§ 1116 & 1117 including statutory damages as provided by 15 U.S.C.  
3 & 1117 (c) (1) & (2) of \$200,000 for the use of one counterfeit mark and for  
4 statutory damages for willful use of one counterfeit mark of not more than  
5 \$2,000,000

6  
7           9.     For damages and remedies as provided by 15 U.S.C. § 1125;

8  
9           10.    For damages and remedies as provided by 17 U.S.C. §§ 502- 505;

10  
11          11.    For damages and remedies as provided by 19 U.S.C. § 1526

12  
13          12.    For damages according to proof and for all gains, profits, or  
14 advantages derived by Defendants by their unfair competition to the fullest  
15 extent allowed by common law but not less than \$200,000;

16  
17          13.    For an order requiring that all gains, profits, or advantages derived  
18 by Defendants by their wrongful conduct be disgorged to Plaintiffs to the fullest  
19 extent allowed by law;

20  
21          14.    For punitive and exemplary damages in an amount sufficient to  
22 punish Defendants and deter such conduct in the action;

23  
24          15.    For attorneys' fees;

1 16. For costs; and

2  
3 17. For such other and further relief as the Court deems just and  
4 proper.

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7 Dated: July 10, 2017

William C. Conkle, member of  
CONKLE & OLESTEN, P.C.

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10 By: \_\_\_\_\_  
11 William C. Conkle  
12 Attorneys for Plaintiffs  
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14 **DEMAND FOR JURY TRIAL**

15 Plaintiffs demand trial by jury of all issues triable by a jury.

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17 Dated: July 10, 2017

William C. Conkle, member of  
CONKLE & OLESTEN, P.C.

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20 By: \_\_\_\_\_  
21 William C. Conkle  
22 Attorneys for Plaintiffs  
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